IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 21ST AUGUST 2006 / 30TH SRAVANA 1928

Bail Appl..No. 5013 of 2006

CRIME NO. 209/2006 OF TANUR POLICE STATION

PETITIONER/1ST ACCUSED:

K. MANIKANDAN, S/O. NARAYANAN,
KUZHIKATTIL HOUSE, CHIRACKAL, TANUR,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE:

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1. THE SUB INSPECTOR OF POLICE,
TANUR POLICE STATION.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5013/2006

DATED THIS THE 21ST DAY OF AUGUST, 2006

O R D E R

The petitioner is the first accused, in crime No.209/2006 of Tanur Police Station. The allegations against the petitioner and another is that they were found in illegal possession of 18.750 liters of Indian made foreign liquor, carried in two packets and therefore, the offence punishable under Section 55(a) as well as Section 8(1) & (2) of the Abkari Act, are charged against them.

2. The prosecution submitted that the second accused was arrested on 27.6.2006 itself and the contraband was seized. However, the petitioner had escaped from the place of occurrence. The prosecution also further submitted that there are two other cases, one under the Abkari Act and one under IPC, are registered against the first accused, the petitioner herein.

3. The learned Public Prosecutor, therefore, opposed granting of an order, under Section 438 Cr.P.C.

The petitioner was found in possession of thirteen bottles of Indian made foreign liquor, submits the prosecution. However, the learned counsel for the petitioner submits that the allegation, by the prosecution, is incorrect. However, that is a matter to be decided at the time of the trial.

4. In the above facts situation, I am not inclined to grant a pre-arrest order, as prayed for. Therefore, the prayer is rejected. However, it is for the petitioner to work out appropriate remedy, as per the law.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs